

Husband sues after wife denied visa

■ Ex-marine says marriage may be unorthodox, but genuine

By Matt O'Brien

STAFF WRITER

OAKLAND — Ron Richardson lives in Oakland. Pei Feng Chen lives in the coastal Chinese city of Beihai.

Today is their sixth wedding anniversary. They will celebrate the occasion by long-distance telephone call.

American officials won't issue Chen an immigrant visa to join her husband in the U.S., despite the couple's ongoing attempts to prove theirs is a bona fide marriage.

"The agent, the consular agent over there, opened up our marriage certificate and said, 'I don't believe this is a true marriage,' and that was that," Richardson said, recalling a November 2004 meeting in Ghazzhou, China, that launched a mountain of bureaucratic entanglements.

Richardson finally became so fed up this summer that he sued U.S. Homeland Security Secretary Michael Chertoff, hoping it would force immigration officials to expedite his wife's visa. The suit also names Emilio Gonzalez, director of U.S. Citizenship and Immigration Services.

"We have photos. We have hundreds and hundreds of photos," Richardson said. "I've got about 25 pounds of documents in a briefcase. It's just really frustrating."

An ex-Marine who works for the Alameda County Health Care for the Homeless Program, Richardson, 64, met Chen, 47, through Richardson's former partner in an Oakland bus repair business. The partner's wife is Chen's cousin, he said.

By the time he met Chen and her family of fishermen in Beihai, a city along China's southern coast, Richardson already had an idea he was going to marry her. They had spent about a year talking on the phone in broken English and Cantonese.

Richardson was divorced in 1991 after 20 years of marriage. Chen's husband died in 1999.



RAY CHAVEZ — Staff

RON RICHARDSON shows off documents and photographs related with his wife, Pei Feng Chen, at his house in Oakland on Thursday.

She has two children from that marriage.

Richardson says his second marriage might be unorthodox, but it is very much genuine.

"Many of the people (in Beihai) have never seen a real black person. They've seen them on television," he said. "But the family is just like my family. It's always been that way. I am a part of that family."

Federal officials would not comment on the lawsuit, a petition for immediate attention that was filed in July. Steve Royster, spokesman for the State Department's Bureau of Consular Affairs, also said he could not comment on any pending visa application because the process is confidential.

"The Immigration Service, they have a lot of work to do," said Robert Baizer, an Oakland lawyer who has been trying to help the couple since 2005. "It's a bunch of huge assembly lines, and if somebody falls off the conveyor belt, there's nobody to pick them back up."

Baizer said the couple's situation is "a common case taken to the extreme — one bad thing after another after another."

The latest, he said, is that the

government apparently lost the petition.

The couple was married in September 2001, and federal immigration officials received Richardson's immediate relative petition in December 2001, according to documents provided in the lawsuit.

Officials with the Immigration and Naturalization Service, which no longer exists, approved three petitions for Richardson's wife and two stepchildren in July 2003 and sent the matter to the Department of State.

That eventually led to Chen's fateful interview with an American consular officer in November 2004.

"The lady who was the consular officer just didn't like this marriage," Baizer said. "If you look at all the evidence they submitted, it's really overwhelmingly a real marriage, but the law gives her the power."

Richardson spent the following years in a protracted fight to gain U.S. residency for his wife. He feels that he's paid his dues to his country.

He was a teenager when he joined the Marine Corps during the 1962 Cuban Missile Crisis

and he served in the Dominican Republic and the Vietnam War.

Richardson returns to China regularly.

"It's just really difficult to go there, have a great time, and then have to leave her there and leave the kids there," he said. "I hate seeing my wife cry every time I have to leave."

Rep. Barbara Lee, D-Oakland, sent a letter on Richardson's behalf, but received no real reply or action, according to the lawsuit.

After months without government action on his petition, as he waited for various agencies to respond to requests, Richardson grew increasingly frustrated with the situation. Eventually, officials told his lawyer that his documents had been sent to a storage center in Missouri, and it would be Richardson's responsibility to retrieve them.

"I continued writing to these different immigration offices, and nobody ever answered me," Baizer said Thursday. "Really, all we could do is sue them."

He said the U.S. Attorney's Office in San Francisco has asked for another month to look into the status of the petition.

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LAW OFFICE OF ROBERT BAIZER

October 1, 2007

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FAX # (415) 436-6927

Total Pages: 2

Re: Ron Isaac Richardson v. Emilio T. Gonzalez, et al

Case #: C07 2442 MMC

Dear Ms. Proctor,

Attached is a copy of a report on our case from the Oakland Tribune, which appeared in the paper on Friday, Sept. 28. It gives a pretty good description of my client's situation.

Thanks for your attention.

Sincerely,


Robert BaizerE-mail: baizer@visalawyer.net